GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Deptt- Amount of Rs. 74,85,520/-(i.e., 50% of awarded amount and interest accrrued); to deposit the amount in the Senior Civil Judge Court, Visakhapatnam, in the case in EP No: 146/2013 on O.S.No 540/91 and A.O.P No.21/2001 filed by M/s. Teen Murty enterprises – Administrative Sanction-Accorded – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (R.IV) DEPARTMENT

G.O.RT.No. 10 Dated: 04-01-2018

Read:

From the CE (R&B) CRN & MD, APRDC, Lr. No. CC/APRDC /PD/EE(PPP)/DEE 1/AEE-3/2016, dt.16.02.2017

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ORDER:

In the letter read above, the Chief Engineer (R&B) CRN &MD, APRDC, has stated that work, Construction of bridge across river Nagavalli near Thotapalli regulator at km 104/10 of Calingapatnam – Srikakulam – Parvathipuram road" was entrusted to the contractor "M/s Teen Murthy Enterprises, Visakhapatnam vide Superintending Engineer (R&B), Visakhapatnam Agreement No.CR 83/87-88. The the site was handed over to the Contractor on 15-07-1987 except for the land to form approach road on Palakonda side. Thus about 85% of land was made available to the Contractor. Subsequently, extension of time was granted several times. But the Contractor abandoned the work on 29-08-1991, Consequently, the contract was terminated under clause 60(a) of PS to APDSS with effect from 02-11-1991.

2. The Chief Engineer (R&B) CRN &MD, APRDC, has also stated that the Contractor filed a suit in O.S.No.540/91 stating that they have incurred heavy loss due to delay in handing over site. Arbitration was commenced and the Arbitrator has filed the Arbitration award on O.S.No.540/91 filed in III Additional Senior Civil Judge Court ,Vizag and an amount of Rs 35,53,956/- with interest at 15% from the date of the suit O.S No.540/91 was awarded. Objection petition was filed on 20.08.2001 by the EE(R&B) Division, Vizianagaram in II- Additional Senior Civil Judge Court, Visakhapatnam. The Hon'ble Court dismissed the appeal and passed the decree vide E.P No.146/2013 and A.O.P No.21/2001 for Rs 1,49,71,039/- and also issued attachment notice of the immovable Government property i.e., (R&B) Circle office building at Seetampeta, Visakhapatnam. The Government Pleader, Visakhapatnam advised to approach the Hon'ble High court and to obtain the stay order without which there is no scope to file the counter, and that the said case comes under the purview of 'Advocate General' of A.P, High Court, as the Arbitration value was more than Rs.1.00 Crore. Accordingly, the E.E has approached the Advocate General and requested to obtain the stay order and the counter prepared by the Advocate General, AP, Hyderabad; to file the same in the Hon'ble High Court and CMA SR No.3204/14 was filed against the order and decree Dt: 29-09-2012 made in A.O.P No.21/2001.

3. The Chief Engineer (R&B) CRN &MD, APRDC, has further stated that a notice was received from the Advocate of petitioner stating that the Hon'ble High Court at Hyderabad has granted an order dated: 19.09.2016, in CMA 794/2015, CMAMP No.1116/2014 in CMAMP No.1613/2015 and directed to deposit 50% of the awarded amount together with interest thereon within 8 weeks from the date of order, failing which it will result in 'contempt of court orders' and also vacation of the stay granted. The Hon'ble Court of judicature at Hyd. for the State of Telangana & State of A.P has granted interim stay on 24.06.2015 on the above all proceedings. However, the stay order was subsequently vacated on 19.09.2016 and directed the respondents to deposit 50% of the awarded amount along with interest accrued thereon within 8 weeks from that date, i.e., 19.09.2016.

(PTO)

4. The Chief Engineer (R&B) CRN & MD, APRDC, has requested to provide additional allocation of Rs. 74,85,520/-(i.e., 50% of awarded amount and interest accrrued), under the relevant Head of Account of 5054-04-337-11-33-530- 532(Lands);so as to deposit the amount in the Senior Civil Judge Court, Visakhapatnam; to avoid further legal complications by attachment of Government properties in the case relating to EP No: 146/2013 on O.S.No 540/91 and A.O.P No.21/2001 filed by M/s. Teen Murty enterprises.

5. After careful examination of the matter, Government decide and hereby accord administrative sanction for an amount of Rs. 74,85,520/-(Rupees seventy four lakhs eighty five thousand five hundred and twenty only)(i.e., 50% of awarded amount and interest accrrued); so as to deposit the amount in the Hon'ble Senior Civil Judge Court, Visakhapatnam; to avoid attachment of Government properties in the case relating to EP No: 146/2013 on O.S.No 540/91 and A.O.P No.21/2001 filed by M/s. Teen Murty enterprises.

6. The expenditure sanctioned in Para (5) above, shall be debited to 5054 Capital Outlay on Roads & Bridges- 04 - District & Other Roads MH 337 - Road Works -GH 11- State Development Schemes -SH (33)-Core Network Roads (works) 530 - Major works- 531- Other Expenditure(Charged) and shall initially be met by way of as an advance from the Contingency Fund orders regarding which will be issued by Finance (BG.I)department separately.

7. The Engineer-in Chief (R&B) SH&MD, APRDC, A.P., shall also send necessary proposals at the appropriate time during the current financial year 2017-2018; for obtaining Supplementary Grant to recoup the advance sanction from Contingency Fund.

8. The Engineer-in Chief (R&B) SH&MD, APRDC, AP., shall take further action in the matter accordingly.

9. This orders issues with the concurrence of Finance Department vide their U.O.No. Fin.U.O.No.17023/144/FMU.TR&B/2017, Dated:21.12.2017

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
The Engineer-in Chief (R&B) SH&MD, APRDC, AP., MG Road , Vijayawada
Copy to:
The Pay & Accounts Officer, AP., Ibrahimpatnam
The Director of Works and Accounts, A.P., Ibrahimpatnam
The Pay & Accounts Officer(works), Srikakulam District
The District Treasury Officer, Srkakulam District
The PS to Prl.Secy. TR&B/ M(R&B)
The Finance (FMU.TR&B/ BG.I) Deptt.
The Accounta General, AP, Hyderabad
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER